

District of California. The Government thereupon filed a motion to remand the case to the Western District of Washington on the ground that the parties had stipulated for transfer to the Northern District of California and that the Southern District of California had no jurisdiction. On March 24, 1942, the Government's motion to remand the case was denied by the court without opinion. On October 13, 1942, the petition of intervention and answer of the Natura Remedy Co. having been withdrawn, a default judgment of condemnation was entered and the product was ordered destroyed.

946. Misbranding of Vitaminerals. U. S. v. 6 Bottles of Vitaminerals VM No. 1, et al. Default decree of condemnation and destruction. (F. D. C. Nos. 7938, 7939, 7941, 7942. Sample Nos. 81451-E, 81452-E, 81454-E to 81456-E, incl.)

On July 29, 1942, the United States attorney for the District of Colorado filed a libel at Denver, Colo., against 6 bottles of Vitaminerals VM No. 1, 7 boxes of Vitaminerals VM No. 1+, 8 bottles of Vitaminerals VM No. 100, and 35 bottles of Vitaminerals VM No. 120. A part of one of the shipments consisted of some booklets entitled "Vitamineral Therapy" and some cards entitled "Therapy Chart Doctors' Reference Chart." The article had been consigned in interstate commerce within the period from on or about May 5 to 27, 1942, by Vitaminerals Co. from Los Angeles, Calif.

Examination of a sample of Vitaminerals VM No. 1 showed that the article consisted mainly of rhubarb root with smaller proportions of other plant materials, including Irish moss, okra, cranberry fruit, and parsley leaf. The tablets, including coating, weighed 0.7 gram each, of which 0.2 gram was mineral matter. The article was alleged to be misbranded in that the statements in the booklet entitled "Vitamineral Therapy" and upon the card entitled "Therapy Chart Doctors' Reference Chart," relating to the article, were false and misleading since they represented and suggested that the preparation was essentially a vitamin constipation tablet or a vitamin-mineral laxative, and was a dietary supplement and a food. In fact, the preparation was not a vitamin constipation tablet or a vitamin-mineral laxative but was essentially a rhubarb laxative, and was not a dietary supplement or food. It was alleged to be misbranded further in that it was represented and suggested as a primary or secondary supplement in cases of arthritis due to excess calcium, arthritis due to systemic origins, colds, hemorrhoids, neuralgia, neurosis, obesity, and tonsillitis, whereas it would not be effective for any of these conditions.

Examination of a sample of Vitaminerals VM No. 1+ showed that the article consisted essentially of plant materials including rhubarb root, cascara sagrada, Podophyllum, Irish moss, cranberry fruit, parsley leaf, okra, a pungent drug such as cayenne pepper, and traces of peanut hull, and seed coat tissues. The article was alleged to be misbranded in that the statements appearing in the booklet and the card referred to above concerning this article were false and misleading since they represented and suggested that it was a vitamin laxative, or a vitamin-mineral laxative, and a dietary supplement, whereas it was essentially a rhubarb, cascara, and Podophyllum laxative, and was not a dietary supplement. It was alleged to be misbranded further in that it was offered as a primary, or secondary supplement in the treatment of cases of colds, intestinal cramps, hemorrhoids, systemic hypertension, biliary stasis, engorgement of the liver, jaundice, malaria, neuralgia, neurosis, obesity, and tonsillitis, whereas it would not be efficacious for these purposes.

Examination of a sample of Vitaminerals VM No. 100 showed that the article was a vaginal suppository consisting of gelatin capsules containing mineral matter, principally iron sulfate and aluminum sulfate with a small fraction of 1 percent of a phosphate. The article was alleged to be misbranded in that the statement appearing on the label, "containing ferric sulfate, ferrous sulfate, and ferric phosphate" was false and misleading since the article did not contain any ferrous sulfate or any ferric sulfate, but did contain a material amount of aluminum sulfate and but an insignificant proportion of ferric phosphate. It was alleged to be misbranded further in that the therapeutic claims made for it in the booklet entitled "Vitamineral Therapy" and upon the card entitled "Therapy Chart Doctors' Reference Chart," were false and misleading since such statements represented and suggested that the preparation would be beneficial in the treatment, among other things, of endocervicitis, endometritis, vaginitis, polypus, cysts, abnormal tissue, leucorrhea, dysmenorrhea, and amenorrhea, whereas the preparation would not be effective for such conditions.

Examination of a sample of Vitaminerals VM No. 120 showed that the article consisted essentially of aluminum sulfate (approximately 15 percent), iron sulfate (approximately 9 percent), glycerine, and water. The article was alleged to be misbranded in that the statements "containing ferric sulphate" appearing on the carton and bottle labels, and "Vitamineral No. 120 Ferric Sulphate, Ferrous Sulphate and Ferric Phosphate," in the booklet entitled "Vitaminerals Therapy," were false and misleading since the article did not contain any ferric phosphate and since such statements failed to reveal that the article contained a preponderating proportion of the astringent drug, aluminum sulfate. It was alleged to be misbranded further in that the therapeutic claims made for it in the booklet "Vitamineral Therapy" and upon the card "Therapy Chart Doctors' Reference Chart" were false and misleading since the article was not efficacious for these purposes. Some of the representations and suggestions made were that the article would be effective for use in colonic therapy, as a mouth wash, gargle, and swab, for use for trench mouth, and as a nasal douche. It was offered as an eye wash, and for local infections of the ear canal, cuts, sores, hemorrhoids, and gastric ulcers. It was further offered as a primary or secondary supplemental treatment in the following conditions: Acne, acidosis, albuminuria, alcoholic neuritis, ameba, amenorrhea, anemia, angina pectoris, asthenia, asthma, boils, Bright's disease, calculi of the bladder and kidneys, calcium in lenses, catarrh, colitis, colon diseases, corneal ulceration, intestinal and uterine cramps, cystitis, diarrhea, faulty digestion, dysmenorrhea, ear infections, eczema, empyema, endocervicitis, endometritis, enteritis, eye infections, fistula, gall bladder inflammation, gall stone, gastritis, gastro-intestinal disturbances, hay fever, hemeralopia, hemophilia, uterine hemorrhage, hives, impetigo, influenza, intestinal disorders, keratomalacia, kidney disorders, kidney inflammation, laryngitis, leg ulcers, leukorrhea, diseases of the liver, lymph infections, mal petit grand, malaria, malnutrition, excessive, deficient, or painful menstruation, miscarriage, nausea and vomiting of pregnancy, neurasthenia, old age, ophthalmia, orchitis, polypus-vaginal, uterine, and rectal, prostatitis, proctitis, psoriasis, pterygium, pyorrhea, lack of resistance, respiratory infections, septicemia, shingles, sinusitis, skin disorder, sty, loose teeth, tetany, tonsillitis, trench mouth, tuberculosis, duodenal, gastric and stomach ulcers, uterine prolapsis, vaginitis, varicose ulcers and veins, tape or helminth worms, and xerophthalmia.

The articles, with exception of VM No. 100, were also alleged to be misbranded under the provisions of the law applicable to foods as reported in food notices of judgment.

On September 21, 1942, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

947. Misbranding of Vitasol The 6-V Health Builder. U. S. v. 107 Jars of "Vitasol The 6-V Health Builder." Default decree of condemnation and destruction. (F. D. C. No. 7484. Sample No. 90189-E.)

On May 11, 1942, the United States attorney for the District of Massachusetts filed a libel against 107 jars of the above-named product at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about April 28, 1942, by the Vitasol Corporation from Brooklyn, N. Y.; and charging that it was misbranded.

The article was labeled in part: "Vitasol * * * Approximate composition of one ounce of Vitasol 1,000 U. S. P. Units Vitamin A, 150 International Units Vitamin B₁, 50 Sherman Bourquin Units Vitamin B₂ (G), 50 International Units Vitamin C, 2,000 U. S. P. Units Vitamin D, added Vitamin E (Wheat Germ) Minerals Grams Per Ounce Calcium—0.160, Iron—0.0067, Phosphorus—0.170 * * * Ingredients Deliciously flavored and skillfully blended with Pure Sugar, Cocoa, Dry Milk Solids, Malted Milk, Barley Malt, Dextrose, Yeast, Soy Bean, Vanillin."

The article was alleged to be misbranded in that the following statements in the labeling: "Vitasol * * * The 6-V Health Builder * * * Dedicated to the Betterment of Health * * * Vitamin A is vital to eyesight. Vitamins B₁, B₂ (G) stimulates the appetite, aids digestion. Vitamin C favors good bone and tooth formation, prevent scurvy. The 'Sunshine Vitamin D' is important to general health, utilizes calcium and phosphorus in building strong teeth and bones. Organic Iron helps increase red corpuscle growth. Yeast as an aid to good blood and body functions. Dextrose for restoring energy. Soy Bean rich in Protein (strength food). * * * Vitasol is a * * * health builder * * * prepared to provide a wide variety of protecting food elements